

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.06 Y, Closed Area No. 22E, Western Barters Island, Boothbay, promulgated on August 25, 1989, is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.06 Y, Closed Area No. 22E, Western Barters Island, Boothbay.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the western shores of Barters Island in the following two areas:
  - A. Inside and easterly of a line beginning at the south-westernmost tip of the point of land known as "Rocky Point" and running northwesterly to the southernmost tip of Fowle Point, Westport; thence running southeasterly to a red painted post placed on the northernmost tip of an unnamed point situated about 300 feet northerly of Rocky Point on the northwest shore of Barters Island, Boothbay.
  - B. Inside and easterly of a line beginning at the south westernmost tip of Barters Island and running northwest to Stover Ledge; thence running northerly to the southernmost tip of the point of land known as the "conservation area", south of Rocky Point Cove.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: January 2, 1997

AGENCY CONTACT PERSON: Paul S. Anderson  
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Portland Press Herald  
January 7, 1997

### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.06Y, Closed Area No. 22E, Western Barters Island, Boothbay, promulgated on August 25, 1989, and replaces it with a new rule that opens Rocky Point Cove on the western shore of Barters Island. The rest of the western shore of Barters will remain closed to the harvest of shellfish.

Department personnel have sampled and surveyed the flats and waters of Rocky Point Cove and have determined that this section of the western shore of Barters Island is not subject to fecal coliform pollution.



GILBERT BILODEAU  
FOR ROBIN ALDEN, COMMISSIONER  
AS AUTHORIZED BY 12 MRSA SECTION 6023

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Westport

Fowle Pt

Closed Areas  
C 22 E (A.&B.)

A.

Rocky Pt

Open

Conservation  
Area

Barter's Island

B.

Stover  
Ledge X